

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SIX**

NORTH CENTRAL WEST VIRGINIA COMMUNITY
ACTION ASSOCIATION, INC.¹

Employer

and

Case 6-RC-12171

DISTRICT 1199 WV/KY/OH, THE HEALTH CARE
AND SOCIAL SERVICE WORKERS' UNION,
SEIU, AFL-CIO²

Petitioner

REGIONAL DIRECTOR'S DECISION AND DIRECTION OF ELECTION

The Employer, North Central West Virginia Community Action Association, Inc., is a not-for-profit corporation engaged in the operation of Head Start programs and other community action programs in ten counties in central West Virginia. The Petitioner, District 1199 WV/KY/OH, The Health Care and Social Service Workers' Union, SEIU, AFL-CIO, filed a petition with the National Labor Relations Board under Section 9(c) of the National Labor Relations Act seeking to represent in a single unit (herein referred to as the Head Start unit) all Head Start program employees. A hearing officer of the Board held a hearing and the parties filed timely briefs with me.

As amended at the hearing, the Petitioner seeks to represent in the Head Start unit:

All full-time and regular part-time Head Start and Early Head Start
employees and substitute employees³ employed by the Employer at its

¹ The Employer's name appears as amended at the hearing.

² The Petitioner's name appears as amended at the hearing.

³ At the hearing, the parties stipulated that to qualify as a substitute employee, an individual must have worked 12 hours in the calendar quarter immediately preceding the filing of the petition.

Head Start and Early Head Start facilities in Barbour, Marion, Preston, Pocahontas, Randolph, Taylor, Tucker and Webster, West Virginia counties, including lead teachers, assistant teachers, associate teachers, family and child development coordinators, children's services coordinators, mentor/family services coordinators, family resource coordinators, family development coordinators, family educators, family child service coordinators, program aides, food services (cooking site), food services (noncooking site), bus drivers, bus aides, custodians, maintenance employees, mentor teachers, and classroom assistants; excluding all office clerical employees and guards, professional employees and supervisors as defined in the Act.⁴

The parties are in agreement that the petitioned-for unit, in terms of the unit's composition, is appropriate for the purposes of collective bargaining. However, the Employer, contrary to the Petitioner, contends that an employer-wide unit of Head Start employees is not appropriate.⁵ The unit sought by the Petitioner has approximately 176 employees.

I have considered the evidence and arguments presented by the parties as to the scope of the unit. As discussed below, I have concluded that the employer-wide unit of all Head Start employees is appropriate for collective bargaining purposes.

To provide a context for my discussion of the issue, I will first provide an overview of the Employer's operations. I will then present, in detail, the facts and reasoning that support my conclusions on the issue.

⁴ Although the Employer provides some services in Greenbrier and Monongalia Counties, it does not have any Head Start employees in either of those counties. In Greenbrier County, there is no Head Start program at all. In Monongalia County, the Employer contracts with the county Board of Education to provide Head Start services, and the Board of Education employs the Head Start employees there. Consequently, the Employer has no Head Start employees in either Greenbrier or Monongalia Counties.

⁵ The Employer does not take a position as to what the appropriate unit should be, although it appears to suggest that units smaller than the overall unit requested by the Petitioner may be appropriate. However, the Employer does not specify the scope of the unit it deems appropriate because it believes that the only issue before the Board is whether the overall, multi-county unit is appropriate.

I. OVERVIEW OF OPERATIONS

The Employer operates an agency that provides various community services over a ten county area in central West Virginia. Its main office is located in Fairmont, West Virginia, which houses the administrative, financial and human resources offices. Executive Director Kenneth Dean, who reports to a Board of Directors, oversees the entire agency. Reporting directly to Dean are the Chief Operating Officer, the Director of Human Resources and the Chief Financial Officer. The operations of the agency are divided into two sections, one that operates children services and one that operates community services. At issue herein is the children services area, specifically, the Head Start and Early Head Start programs.⁶

The Director of Children Services is Ruth Ann Ponzurick. Ponzurick is responsible for overseeing the overall operation of the Employer's Head Start programs. There are two Children Services Program Managers, Jim Barnes and Linda McBee, who report to Ponzurick. Barnes and McBee each have responsibility for four of the counties in which the Employer operates.⁷

In some of the individual counties, there are Children Services Supervisors who are responsible for the daily operations of the Head Start and Early Head Start programs. Such supervisors work in Barbour, Marion, Preston, Randolph and Webster Counties. These Children Services Supervisors report directly to either Barnes or McBee. In the other three counties, Pocahontas, Taylor and Tucker, there are no Children Services Supervisors. Instead, the responsibility for the daily operation of the Head Start programs is handled by the

⁶ The Employer operates Head Start programs, which are pre-kindergarten programs, and Early Head Start programs, which are intended for younger children. I refer to the two programs together herein as "Head Start" programs, unless it is necessary to distinguish between the two programs.

⁷ Barnes is responsible to oversee the operations in Marion, Pocahontas, Preston, and Webster Counties. McBee is responsible to oversee the operations in Barbour, Randolph, Taylor and Tucker Counties.

Community Services Supervisors.⁸ The Children Services Supervisors carry out the policies of the agency, and handle issues such as requests for time off, ordering needed supplies and equipment and enforcing the dress code. There is also a policy council, comprised of community representatives and parents of children in the program, which has a role in policy and decision making within the agency.

There is a wide range in the number of Head Start employees in the various counties. For example, fifty employees work for the Employer in Head Start programs in Marion County, while there is only one employee of the Employer working in a Head Start program in Tucker County.⁹ This reflects the wide range in the number of children enrolled in Head Start programs in the various counties, ranging from 226 children in Marion County to five children in Tucker County. There are 52 children enrolled altogether in the Early Head Start programs.

There are different types of facilities used for the Head Start programs. Some of the programs are home-based. There are home-based Head Start programs in Barbour, Preston, Randolph, Tucker and Webster Counties. Additionally, there are home-based Early Head Start programs in Preston, Randolph and Tucker Counties. The home-based programs involve a Head Start staff member visiting the child's home weekly and providing materials for the children who are enrolled in the program. The child also takes part in socializations with other children twice each month. Tucker County is the only county that has only a home-based program. In all of the other counties, the children who are not in home-based programs are brought or bused to locations where the Employer has classrooms for the Head Start programs.

The center-based programs, which involve the majority of the children enrolled in Head Start programs, are either run entirely by the Employer or are run in collaboration with the Board

⁸ In Barbour, Marion, Preston, Randolph and Webster Counties, there are both Children Services Supervisors and Community Services Supervisors. Thus, in those counties, the Community Services Supervisors have no responsibility for the Head Start Programs.

⁹ The Employer has the following numbers of Head Start employees in the other counties: Barbour – 17; Preston – 17; Pocahontas – 2; Randolph – 17; Taylor – 20; and Webster – 10. In addition, there are six employees in the Early Head Start program in various counties. There are also 14 Head Start staff members based at the main office in Fairmont.

of Education in the particular county.¹⁰ In some counties, such as Marion County, some of the centers are collaborations and some are not. Generally, where the program is run independently from the Board of Education, the Employer rents the facility, sets the hours of operation and provides the transportation. Where the center is a collaboration, generally the center is located within a school owned by the county, and the county sets the hours and provides the transportation.

At the centers that are independently run by the Employer, the classes are generally four hours long. Some are only in the morning and some have two shifts, morning and afternoon. The staff generally works 40 hours per week, spending the time when the children are not present preparing lessons, filling out reports and documentation and visiting the homes of children in the program.

At the centers that are collaborations with the county Board of Education, the children are usually in the classroom between 30 and 32½ hours per week. The staff, as at the independently run centers, generally works 40 hours per week. The other type of work, including documentation, home visits and so forth, is accomplished by having more staff members working at these locations since the number of hours of actual classroom teaching is higher at the collaboration locations.¹¹

¹⁰ From the testimony at the hearing, it appears that there are wide variations in the way different centers are operated, both from county to county and also within some counties. I find it unnecessary in this decision to delineate exactly how each center is operated. Rather, I have described the variations between centers without naming the particular center to which I am referring.

¹¹ Although not discussed at all in the Employer's brief, there was extensive testimony elicited by the Employer's counsel regarding Senate Bill 247, or Policy 2525. According to the testimony, this is a state law that will require universal preschool services to be available to all four year olds by the year 2013. The law will require collaboration between each county and agencies such as the Employer herein that provide such preschool services. Thus, collaboration will be required on curriculum issues, performance standards, family involvement, transportation, hours and so forth. This law, passed in the 2002 legislative session, is the reason why some of the counties have already begun to collaborate with the Head Start program. However, inasmuch as this law's effect on the terms and conditions of employment of the employees in the proposed unit will not occur, if at all, for many years, any discussion of such effect would be speculative and therefore not pertinent in the instant case.

When there is a job opening at any of the facilities, the position is advertised through memo and/or electronic mail internally, in all of the counties. The position is only advertised to the public outside of the agency if it has not been filled from within. Employees from any part of the Employer's operations can apply for the open position. There is evidence that employees have transferred from one county to another when openings have occurred. The applicants are interviewed by the Children Services Supervisor of the county in which the job is located, along with some parents and some representatives from the central office. If a candidate is recommended to be hired by the interviewers, the policy council then reviews the applicant's file and must give its approval. The applicant's file is then turned over to the Human Resources department in Fairmont to make sure that all of the procedures have been followed and the paperwork is complete.

The Employer has a policy manual that applies to and is signed by each employee. These policies include such subjects as safety and health issues, attendance and work schedules, benefits, complaint procedures, performance appraisals, code of conduct and personnel records. A progressive discipline policy is included in the code of conduct, which includes oral warning, written warning, suspension and termination. The Supervisor at the county level can issue the oral warning. It is memorialized in writing and sent to the Program Director, who forwards it to the Human Resources Department. The same procedure is used to issue a written warning to an employee. When a suspension or termination is called for, a report must first be sent to the Program Director and to the Human Resources Director, and is then reviewed by the Executive Director. An employee cannot be terminated until approval is obtained from the Human Resources Director and the Executive Director, as well as the policy council.

The code of conduct also contains a policy regarding employee complaints. In this policy, a complaint lodged by an employee is initially investigated and reviewed by the employee's immediate supervisor. If the supervisor does not resolve the problem within five days, the complaint is passed to the Program Director, who reviews the matter. The next step,

if the problem has still not been resolved, is for the matter to be reviewed by the Director of Human Resources. After that level, if the employee is not satisfied, the complaint can be submitted to the Executive Director. The final appeal of the complaint, if the employee is still unsatisfied after a decision by the Executive Director, is for the matter to be submitted to the Board of Directors.

Although the Head Start employees are located in the various locations in the eight different counties, the kind of work being performed is the same throughout the program. Thus, teachers and assistants in the classroom are providing the same kind of preschool education regardless of the county in which the employee is located. The food service employees, bus drivers, and various types of coordinators likewise perform the same job duties regardless of their location. There is one maintenance employee who is dispatched from the central offices in Fairmont whenever a maintenance problem arises in any of the Head Start centers. There are also some bus drivers who work in more than one county. Likewise, some substitute teachers are dispatched to centers in more than one county. There is also evidence that some employees have transferred to positions within Head Start to locations in a different county.

Each Children Services Supervisor is given a certain amount of money in the budget which the supervisor has discretion to use. However, when supplies, equipment and other expenditures are needed, the supervisor must send a requisition to the finance office in Fairmont. The finance office must approve the requisition before the expenditure can be made.

The Employer brings the Head Start employees together for various meetings during the year. Sometimes these meetings involve the entire staff and sometimes only the teaching staff. These meetings sometimes take place at the main office in Fairmont, with employees from all counties in attendance, and sometimes the employees from about four counties are grouped together. For example, every year, prior to the beginning of the school term, the employees attend a few days of "preservice" meetings and training sessions. There are also other types of training sessions during the year on such topics as literacy initiative training, mental health training, health and nutrition training, and so forth. Generally, these multi-county staff meetings

are organized by the Program Directors. In addition, the Employer has a “mentor teacher” who travels to all of the centers in order to assist the teaching staff. The Employer also has one observation classroom, which is visited by employees from all of the counties.

The Employer offers all Head Start employees, regardless of the county in which they perform their work, the same benefits. Thus, all employees receive the same health insurance, sick leave, paid holidays, retirement benefits, and leave for bereavement, jury duty and military duty. The employees all receive the same amount of annual leave, regardless of location. The requests for leave are submitted to the Children Services Supervisor in the individual county, and that supervisor makes the decision on approval of such requests.

II. ANALYSIS OF THE SCOPE OF UNIT ISSUE

As set forth above, the Petitioner seeks to represent in a single unit all Head Start employees employed by the Employer in eight different counties in central West Virginia. In essence, the Petitioner seeks to represent the Head Start employees on an employer-wide basis. The Employer contends that the multi-county unit sought by the Petitioner is too broad in geographical scope and, while not taking a position as to what the appropriate unit(s) should be, appears to suggest that only smaller units of Head Start employees would be the appropriate units.¹²

It is well established that where a union seeks to represent a unit of employees on an employer-wide basis, the unit is presumptively appropriate under the Act. Greenhorne &

¹² In support of its contention that the petitioned-for unit is inappropriate, the Employer erroneously relies on the long established principle that, in determining the proper scope of the bargaining unit when the employer operates more than one plant or establishment, a requested single facility unit is presumptively appropriate. However, the Board has repeatedly held that the single facility presumption is inapplicable where the petitioning union, like the Petitioner here, seeks to represent employees on a multi-location basis. Hazard Express, Inc., 324 NLRB 989 (1997); American Security Corporation, 321 NLRB 1145, fn. 1 (1996); Capital Coors Co., 309 NLRB 322 (1992). See also, NLRB v. Carson Cable TV, 795 F.2d 879, 886-887 (9th Cir. 1986). Accordingly, the Employer’s reliance on the single facility presumption for resolution of the unit issue herein is misplaced.

O'Mara, Inc., 326 NLRB 514, 516 (1998) and cases cited therein. Accordingly, since the Petitioner seeks to represent all Head Start employees employed by the Employer throughout its entire operations, the unit sought herein is presumptively appropriate. It is, therefore, the Employer's burden to establish that the petitioned-for employer-wide unit is inappropriate. *Id.* The evidence in this case is insufficient to rebut the presumptive appropriateness of the petitioned-for unit.

The Employer asserts that various factors, as discussed below, support its position. The Employer first argues that there is very little interchange of employees. There was testimony from the Employer's own witnesses that there are some employees, such as bus drivers and substitute teachers, who work in more than one county. There is also only one maintenance person who is dispatched from the main office in Fairmont when repairs are needed at any of the facilities. In addition, there are some employees who have transferred from one county to another. In fact, when openings occur, the Employer advertises the position first within its own operations and attempts to fill the position by a transfer from within. The Employer advertises the position to the general public only if existing employees do not fill the position.

Further, the Employer sponsors meetings and training sessions during the year that are attended by employees from more than one county. There are "preservice" meetings that take place for a few days prior to the beginning of the school year, and then there are other meetings held on a few occasions during each year. Some of these meetings have employees from all eight counties in attendance; others have the employees broken into two large groups. There are also some meetings attended by employees from two or three counties. There is also an employee picnic each year, which is attended by employees from all of the counties. Consequently, I find the Employer's contention that there is not employee interchange not supported by the record evidence and insufficient to rebut the presumptive appropriateness of the petitioned-for unit.

The Employer next argues that the geographic separation between the counties is too great to find an Employer-wide unit appropriate. Although not brought out in the record, the Employer cites measurements between various facilities of the Employer based on information found in a road atlas. The longest measurement it cites is approximately 93 miles north to south,¹³ and approximately 85 miles east to west. However, I find these statistics to be unpersuasive. Although the employees work throughout an eight county area, all of the counties are contiguous. In Capital Coors Co., 309 NLRB at 325, the facilities at issue were approximately 90 miles apart. Similarly, in the instant case, the farthest distance from the central office in Fairmont, which is in the northern area of the counties, is over 90 miles.¹⁴ As the Board did in Capital Coors Co., I find that this distance is not determinative, and I further find that it is insufficient to rebut the presumptive appropriateness of the requested employer-wide unit.

The Employer next argues that there is a lack of centralized control of management and supervision. However, contrary to this assertion, I find that there is a high degree of centralized control of management and supervision. As described earlier, all employees must follow the policies promulgated by the Employer, including a code of conduct, disciplinary steps and grievance procedure. It is noteworthy that the county-level supervisor deals with the initial steps in both the disciplinary and the grievance procedures, but that management in the central office in Fairmont makes the decisions once the discipline or grievance moves beyond the initial step. All wage scales, retirement benefits, as well as annual, military duty, jury duty, bereavement and sick leave, and health insurance are the same regardless of the county in which the employee is located. All expenditures must be requisitioned through the finance office in Fairmont. The

¹³ In its brief, the Employer notes that while the two locations are about 93 miles if measuring in a straight line, it actually takes about three hours to drive from one to the other.

¹⁴ See also Greenhorne & O'Mara, Inc., supra, where the union sought an employer-wide unit of archeological technicians employed on various projects throughout a large portion of the United States. The broad geographical scope of the requested unit did not, in the Board's view, render the employer-wide unit inappropriate.

two Program Directors take an active role in overseeing the operations in the counties that are assigned to them. All final decisions on hiring and terminations must go through the Human Resources Director, the Executive Director and the policy committee before the decision becomes finalized. Thus, I find a high degree of centralization in the operations of the Employer, and I find that the Employer's assertions to the contrary are insufficient to rebut the presumption that the employer-wide unit petitioned for herein is appropriate.¹⁵

The Employer's final argument is that there is insufficient similarity in the working conditions of the employees in the petitioned-for unit. In support of this contention, the Employer argues that there are differences in the number of hours the teachers are with the children, that the starting times vary at different locations, that some of the meals are provided by the county while others are not, and that the time for breaks varies between locations. The Employer points out that many of these variations occur because of the collaborations between the Employer and the Boards of Education in some of the counties. I find these arguments to be unpersuasive. While there are such variations, the skills, duties and working conditions of the employees remain quite similar in all locations, and I find these variations pointed out by the Employer to be insignificant in the analysis in this matter. Further, some of the variations pointed out by the Employer occur even among facilities within one county.

To the contrary, the employees in each of the counties perform the same functions; they are pre-school teachers, assistant teachers, bus drivers, food service employees and so forth. Each of these classifications performs the same duties regardless of the facility to which they are assigned. While some locations spend more time working directly with the children, the teachers and their assistants all do the same work, under the policies set forth by the Employer. Further, the functions of the facilities in every county are also the same. The home-based

¹⁵ Throughout its analysis, the Employer cites certain cases, particularly New Britain Transportation Co., 330 NLRB 397 (1999), in support of its position. Other cases cited by the Employer in this regard are J & L Plate, 310 NLRB 429 (1993) and Waste Management of Washington, Inc., 331 NLRB 309 (2000). However, all of these cases are ones in which the issue is the single-facility presumption which, as discussed above, is inapplicable here. Thus, I find these cases to be inapposite.

programs do not differ from county to county, nor do the classroom settings in either collaborative or independently run centers. Thus, I find that the employees in the employer-wide unit have a similarity of skills, duties, functions and working conditions.

Thus, contrary to the contentions of the Employer, I find that the Employer has failed to rebut the presumption that the employer-wide unit requested by the Petitioner is appropriate. The Employer's argument, and the cases cited in its brief, are not controlling herein since those cases deal with the issue of whether a single facility unit, as was petitioned for in those cases, was appropriate or whether the only appropriate unit was a multi-facility unit. By contrast, the Petitioner herein is seeking an employer-wide unit, and therefore, the issue in this case is whether the Employer has successfully rebutted the presumption that the petitioned for unit is appropriate. I further note that the Employer did not take a position that only single-facility units were appropriate; it only contends that the employer-wide unit is inappropriate. See Hazard Express, Inc., supra at 989.

Based on the foregoing and the record as a whole, I find that the Head Start employees employed throughout the Employer's eight county locations constitute a unit appropriate for the purposes of collective bargaining, as requested by the Petitioner.

III. FINDINGS AND CONCLUSIONS

Based upon the entire record in this matter and in accordance with the discussion above, I find and conclude as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction in this matter.
3. The Petitioner claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(l) and Section 2(6) and (7) of the Act.

5. The following employees of the employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time Head Start and Early Head Start employees and substitute employees employed by the Employer in its Head Start and Early Head Start operations in Barbour, Marion, Pocahontas, Preston, Randolph, Taylor, Tucker and Webster counties in West Virginia, including lead teachers, assistant teachers, associate teachers, family and child development coordinators, children's services coordinators, mentor/family services coordinators, family resource coordinators, family development coordinators, family educators, family child service coordinators, program aides, food services (cooking site), food services (noncooking site), bus drivers, bus aides, custodians, maintenance employees, mentor teachers, and classroom assistants; excluding all office clerical employees and guards, professional employees and supervisors as defined in the Act.

IV. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by District 1199 WV/KY/OH, The Health Care and Social Service Workers' Union, SEIU, AFL-CIO. The date, time and place of the election will be specified in the Notice of Election that the Board's Regional Office will issue subsequent to this Decision.

A. Voting Eligibility

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees

engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

B. Employer to Submit List of Eligible Voters

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. Excelsior Underwear, Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list containing the full names and addresses of all the eligible voters. North Macon Health Care Facility, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized by county. Upon receipt of the list, I will make it available to all parties to the election.

To be timely filed, the list must be received in the Regional Office, Room 1501, 1000 Liberty Avenue, Pittsburgh, PA 15222, on or before **February 12, 2003**. No extension of time to file this list will be granted, except in extraordinary circumstances, nor will the filing of a

request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission at 412/395-5986. Since the list will be made available to all parties to the election, please furnish a total of **two (2)** copies, unless the list is submitted by facsimile, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

C. Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices of Election provided by the Board in areas conspicuous to potential voters for a minimum of three (3) full working days prior to 12:01 a.m. of the day of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least five (5) full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. Club Demonstration Services, 317 NLRB 349 (1995). Failure to do so precludes employers from filing objections based on non-posting of the election notice.

V. RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by 5 p.m., EST (EDT), on **February 19, 2003**. The request may **not** be filed by facsimile.

Dated: February 5, 2003

/s/Gerald Kobell

Gerald Kobell, Regional Director

NATIONAL LABOR RELATIONS BOARD
Region Six
Room 1501, 1000 Liberty Avenue
Pittsburgh, PA 15222

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